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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,586	06/30/2000	Shmuel Shaffer	M-8509-US	9498

33031 7590 03/12/2004

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/12/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/608,586

Applicant(s)

SHAFFER ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-71 is/are pending in the application.  
4a) Of the above claim(s) 45-71 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-44 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 24.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-44, drawn to a method and system for joining a meet-me conference call, classified in class 379, subclass 204.01.
  - II. Claims 45-65, drawn to a method and system for adding a user to a conference call which involves querying multipoint controllers and receiving messages from client conference manager, classified in class 379, subclass 202.01.
  - III. Claims 66-71, drawn to electrical circuitry in a conferencing terminal, classified in class 379, subclass 387.01.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as providing a method for allowing a user to setup a conference call. Invention II has separate utility such as the method for adding a person to a conference and the interaction between multipoint controllers and client conference managers for adding a person. Invention III has separate utility such as a method for providing circuitry to operate and the conferencing system. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or III, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Brenna A. Brock on March 2, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-44.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 45-71 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Information Disclosure Statement***

6. The information disclosure statement submitted on August 11, 2000 and August 18, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8,10,12,18-20,22-29,31,33,39-41,43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Sun et al. US Patent 6,501,740.

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**Regarding claims 1 and 22**, Sun teaches a method and system for joining a meet-me conference call, (col. 3, lines 10-28), said method and system comprising:

presenting an option to specify a quorum associated with a meet-me conference call, (col. 9, lines 3-17), in response to user input to an application program co-resident with a terminal, (col. 9, lines 1-10).

**Regarding claims 2 and 23**, Sun teaches wherein the user input further includes: an indication that the user is requesting to join a meet-me conference call, (col. 9, lines 1-20).

**Regarding claims 3 and 24**, Sun teaches wherein the user input further includes: an indication that the user is requesting to specify a quorum (fig. 5; col. 9, lines 1-10) at a time selected from the group comprising a time at which a meet-me call is being scheduled, and a time prior to a time at which a meet-me conference call is to transpire, (fig. 5; col. 7, lines 39-50).

**Regarding claims 4 and 25**, Sun teaches wherein the user input further includes: a telephone number of a conferencing service (col. 6, lines 34-39) and a password for a conference call, (col. 6, lines 50-58).

**Regarding claims 5 and 26**, Sun teaches wherein the user input further includes: identification of a virtual presence of the user, (col. 5, lines 60-63; col. 6, lines 34-53; col. 7, lines 36-50).

**Regarding claims 6 and 27**, Sun teaches wherein said identification of the virtual presence of the user further includes:

identification of a connection address comprising a landline telephone number, (col. 6, lines 34-58).

***Regarding claims 7 and 28***, Sun teaches wherein said identification of the virtual presence of the user further includes:

identification of a non-media-transport channel-supporting connection address wherein the connection address is a network address, (col. 6, lines 37-39).

***Regarding claims 8 and 29***, Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further comprises:

presenting an option to specify a quorum associated with the meet-me conference call via at least one device selected from the group comprising an audio device and a visual device (graphical user interface device), (col. 6, lines 6-33).

***Regarding claims 10 and 31***, Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further includes:

presenting a number of users associated with the meet-me conference call, or an identity of at least one user associated with the meet-me conference call, (col. 7, lines 36-50; fig. 4).

***Regarding claims 12 and 33***, Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further comprises:

presenting an option comprising specifying that a complete quorum must be present before a MC-CMA (Multipoint Controller-Call Management Application program) establishes a meet-me conference call, (col. 9, lines 1-22).

***Regarding claims 18 and 39***, Sun teaches originating a media transport channel from the user's terminal in response to a message indicating that the quorum has been established, (col. 6, lines 6-33; col. 7, lines 51-61; col. 8, lines 10-27).

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**Regarding claims 19 and 40**, Sun teaches presenting notification that the quorum associated with the meet-me conference call has been established via at least one device selected from the group comprising an audio device and a visual device proximate to the user's terminal, in response to a message indicating that the quorum has been established, (col. 6, lines 6-33; col. 7, lines 36-50).

**Regarding claims 20 and 41**, Sun teaches originating a media transport channel from the user's terminal in response to user input, (col. 7, lines 36-50).

**Regarding claim 43**, Sun teaches a program product comprising:  
signal bearing media (col. 8, lines 10-27, 33-46) bearing programming adapted to present an option to specify a quorum associated with a meet-me conference call, (col. 9, lines 8-13), in response to user input to an application program co-resident with a terminal, (col. 9, lines 12-20).

**Regarding claim 44**, Sun teaches wherein said signal bearing media is selected from the group comprising transmission media, and recordable media, (col. 9, lines 8-20; abstract).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 9,11,13-17,30,32 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun in view of Eaton et al. US Patent 5,483,588.

*Regarding claims 9,11,30 and 32*, while Sun teaches wherein said presenting an option to specify a quorum associated with a meet-me conference all further includes joining the meet-me conference call substantially immediately, (col. 9, lines 12-20), Sun does not specifically teach of the joining the conference call after at least one designated user either joins or is waiting to join.

Eaton teaches that it was well known in the art to have conferencing system in which the system presents an option to specify a quorum associated with a meet-me conference call including presenting an option to join the conference call after at least one designated user either joins or is waiting to join the meet-me conference call, (col. 10, lines 17-23; col. 13, lines 21-48).



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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

***Regarding claims 13 and 34***, Sun in view of Eaton, as applied above, teach sending a message containing user input to a Multipoint Controller Conference Manager Application (MC-CMA), in response to user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call, (col. 13, lines 21-39, Eaton).

As shown above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

***Regarding claims 14 and 35***, Sun in view of Eaton, as applied above, teach wherein the user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call further includes:

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user input specifying that a complete quorum must be present before the MC-CMA (Multipoint Controller-Call Management Application program) establishes a meet-me conference call, (col. 13, lines 21-39, Eaton).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

***Regarding claims 15 and 36,*** Sun in view of Eaton, as applied above, teach wherein the user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call further includes:

user input specifying that the MC-CMA notifies a Terminal-CCMA (Conference Call Manager Application Program co-resident with a terminal) upon detection of at least one designated user joining or being available to join a meet-me conference call, (col. 13, lines 21-39, Eaton).

As taught above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and

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talk in the conference and so that the designated talkers can be aware of all users who are waiting.

***Regarding claims 16 and 37***, Sun teaches wherein said sending a message containing the user input to a Conference Manager Application (CMA) further comprises: sending a message over a Call Optimization Application (COA) channel, (col. 8, lines 10-27).

***Regarding claims 17 and 38***, Sun teaches wherein said sending a message over a Call Optimization (COA) channel further includes: establishing an Internet Protocol channel, (col. 8, lines 33-47).

13. Claims 21 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun in view of Eaton and further in view of Jonsson US Patent 6,272,214.

***Regarding claims 21 and 42***, while Sun in view of Eaton teaches of a establishing a meet-me conference system, Sun and Eaton do not specifically teach of notifying the user that the quorum has been established via at least a paging service.

Jonsson teaches that it was well known in the art to have a meet-me conferencing system and of presenting notification that a quorum associated with the meet-me conference call has been established via at least a paging messaging service,(col. 3, lines 3-28). Jonsson further teaches that the notification method may comprise a plurality of different types of notification means, (col. 3, lines 3-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun an Eaton by notifying the users via at least a pager as suggested by Jonsson so that the user can immediately join the conference if they were required to join the conference.

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*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer US Patent 6,694,351 teaches of a meet-me conferencing system.

15. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

16. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262.  
The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group  
is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
March 5, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.